



DEPARTMENT OF THE NAVY
NAVAL UNDERSEA WARFARE CENTER DIVISION
610 DOWELL STREET
KEYPORT, WASHINGTON 98345-7610

5720
Ser 00L/020
AUG 15 2016

Ms. Anne Revas
Bright Lights USA
145 Shreve Avenue
Barrington, NJ 08007

Dear Ms. Revas:

This responds to your Freedom of Information Act (FOIA) request of May 25, 2016, in which you seek "...drawing 6277136, cage code 53711, valve assy, nsn 4820-01-626-0324." Your request was assigned file number DON-NAVY-2016-006704.

Upon review, we determined that the document that you seek is exempt from disclosure for the following reason:

Your request is comprised of technical data pursuant to the Arms Export Control Act (AECA) (22 USC 2751, et seq.) and its implementing regulations. A license is required to disclose the requested information to foreign governments and companies. Thus, FOIA Exemption (b)(3) applies, which prohibits release of information specifically exempted from disclosure by statute.

The AECA, codified at 22 USC 2751, authorizes the President to limit the export of items designated as critical technology with military or space application.

10 U.S.C. § 130 and DoD Directive 5230.25, Withholding of Unclassified Technical Data from Public Disclosure, reinforces this principle. The statute and directive states that technical data with military application may be withheld from public disclosure if such data may not be exported lawfully without an approval, authorization or license under the AECA.

Release of this information via FOIA is tantamount to releasing it to the world because once it is released it is in the public domain. The information may then be transferred freely, including publishing it on websites that may be viewed by foreign persons.

For these reasons, FOIA Exemption (b)(3) and DoDD 5230.25 prohibit release of the requested information because the Arms

Export Control Act (AECA) prohibits its release. Therefore, this FOIA request must be denied.

I am the official responsible for this decision. You may submit a written administrative appeal of my decision, or seek assistance/alternative dispute resolution from the Navy's FOIA Public Liaison.

If you decide to file an appeal, it must be received within 90 calendar days from the date of this letter. Attach a copy of this letter, your initial request, a short statement of why you are appealing, and mark your appeal and the envelope **FREEDOM OF INFORMATION ACT APPEAL**. Mail the original appeal to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon
Washington, DC 20350

If you decide to seek assistance and/or dispute resolution services, please contact The Department of the Navy's FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031.

Please send a copy of your appeal to the Naval Undersea Warfare Center, Keyport, FOIA Coordinator, 610 Dowell Street, Keyport, WA 98345-7610.

The fee associated with processing your request has been waived. However, this determination is not indicative of how the matter of fees will be treated in any future request.

If you have any questions regarding the processing of your request, please contact Mr. Andrew Phillips at (360) 396-2785 citing your FOIA case number: DON-NAVY-2016-006704.

Sincerely,



E. D. LACOSTE

Copy to:
Robert Jusko, 00L